

US BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

17-46613-NHL

-----X
IN RE:

NOTICE OF MOTION

BRACHA CAB CORP., ET. AL.

CHAPTER 11

-----X

HON. NANCY HERSHEY
LORD

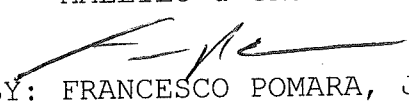
S I R S:

PLEASE TAKE NOTICE that upon the annexed application of unsecured creditor, RONALD JEAN PIERRE, by his attorneys, Mallilo & Grossman, a hearing will be held before the Honorable Nancy Hershey Lord, Bankruptcy Judge at the United States Bankruptcy Court, Eastern District, 271-C Cadman Plaza E #1595, Brooklyn, New York on April 12, 2018 at 3:00 p.m. or soon thereafter as counsel can be heard for an Order granting RONALD JEAN PIERRE, relief from the automatic stay, pursuant to 11 U.S.C. §362(a) and (d), to permit this unsecured creditor to seek the insurance proceeds of the individual Chapter 11 Debtor, and not the Debtor individually, together with such other and further relief the Court deems just and equitable.

PLEASE TAKE FURTHER NOTICE, that objections, if any, to the relief requested, must be served upon and received by Mallilo & Grossman, at their offices, located at 163-09 Northern Boulevard, Flushing, New York 11358, and filed with the Court at least five (5) days before the hearing date set forth above.

Dated: Flushing, New York
March 5, 2018

MALLILO & GROSSMAN



BY: FRANCESCO POMARA, JR., ESQ.
Attorneys for Unsecured
Creditor DUPITON
163-09 Northern Boulevard
Flushing, New York 11358
(718) 461-6633

To:
ROSENBERG, MUSSO & WEINER, LLP
ATTORNEYS FOR JOINTLY ADMINISTERED DEBTORS
Fit Taxi Corp
Jackhel Cab Corp
Jarub Trans Corp
Lechaim Cab Corp
Merab Cab Corp
NY Canteen Taxi Corp
NY Energy Taxi Corp
NY Genesis Taxi Corp
NY Stance Taxi Corp
NY Tint Taxi Corp
Somyash Taxi Corp
Tamar Cab Corp
26 COURT STREET, SUITE 2211
BROOKLYN, NY 11242
ATTENTION BRUCE WEINER, ESQ.

Capital One Equipment Finance Corp.
c/o Troutman Sanders LLP
875 Third Avenue
New York, NY 10022-6225

Capital One TMF
c/o Skadden Arps Slate
Meagher & Flom LLP
4 Times Square
New York, NY 10036-6518

Capital One TMF
c/o Skadden Arps Slate
Meagher & Flom LLP
4 Times Square
Brooklyn, NY 11213

Capital One Taxi
Medallion Finance
275 Broadhallow Rd
Melville, NY 11747-4808

Capital One Taxi
Medallion Finance
275 Broadhollow Rd
Melville, NY 11747-4808

Cheryl Worrel
c/o Burns and Harris
233 Broadway, Ste. 900
New York, NY 10279-0999 Suite 445

Douglas Arevalo
c/o Harold Chetrick P.C.
60 East 42nd Street
New York, NY 10165-0443

Esma Elberg
c/o Robert W. Piken
Piken & Piken
630 Third Ave., 23rd Floor
New York, New York 10017-6731

Jacob Elberg
c/o Abrams, Fensterman, Fensterman, Eism
630 Third Avenue, Fifth Floor
New York, New York 10017

Jarub Trans. Corp
c/o Abrams, Fensterman, Fensterman, Eism
630 Third Avenue, Fifth Floor
New York, New York 10017

Karl DeVoc
c/o Barasch McGarry
Salzman & Penson
11 Park Place Ste 1801
New York, NY 10007-2811

Marc Augstin
c/o Krentsel & Guzman
17 Battery Place, Ste 604
New York, NY 10004-1135

Office of the United States Trustee
Eastern District of NY (Brooklyn Office)
U.S. Federal Office Building
201 Varick Street, Suite 1006
New York, NY 10014-9449

Progressive Insurance Co
c/o Feldman & Feldman, LLP
Attn: Jodi P. Feldman, Esq.
811 West Jericho Turnpike, Ste 201W
Smithtown, New York 11787-3227

Ruben Elberg
1523 President Street
Brooklyn, NY 11213-4542

Ruben Elberg
c/o Abrams, Fensterman, Fensterman, Eism
630 Third Avenue, Fifth Floor
New York, New York 10017. 10017-6705

Esma Elberg
1281 Carrol Street
Brooklyn, NY 11213-4207

Jack Margossian
301 Fieldstone Terrace
Wyckoff, NJ 07481-3503

US BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

17-46613-NHL

-----X
IN RE:

AFFIRMATION

BRACHA CAB CORP., ET. AL.

CHAPTER 7

-----X

HON. NANCY HERSHEY
LORD

FRANCESCO POMARA, JR., ESQ., an attorney duly admitted to practice law before the Courts of the Eastern District of New York, hereby affirms the truth of the following under the penalties of perjury:

1. I am an attorney associated with the law office of MALLILO & GROSSMAN, the attorneys of record for RONALD JEAN PIERRE in the above captioned matter, and as such I am fully familiar with the facts and circumstances hereinafter contained, the source of my knowledge being the file maintained by my office in the course of handling this matter.

2. I am submitting this application in support of the instant motion which seeks relief from the automatic stay imposed upon RONALD JEAN PIERRE's personal injury action currently pending against LECHAIM CAB, CORP. in Supreme Court, Queens County under index number 707861/15. Lechaim Cab Corp. is a debtor whose bankruptcy is being jointly administered with those of Bracha Cab Corp. et. al. via court order of January 19, 2018 of this honorable Court and is annexed hereto as Exhibit "A".

3. Said incident arises out of a motor vehicle accident which occurred on April 1, 2015 whereupon Mr. Jean Pierre

was caused to sustain serious personal injuries. Annexed hereto as Exhibit "B" is a copy of the police report in regard to said matter. Annexed hereto as Exhibit "C" is a copy of the Summons and Complaint and Verified Answer interposed by defense counsel for LECHAIM CAB, CORP.. Annexed hereto as Exhibit "D" is the response to the Preliminary Conference Order for the matter pending in Supreme Court, Queens County wherein defense counsel for LECHAIM CAB, CORP. represents that they are covered by a policy of insurance with American Transit Insurance Company with policy limits of \$100,000.00/\$300,000.00 under policy number A111461.

4. As there is applicable insurance for the motor vehicle accident, it is respectfully requested that an order be issued lifting the stay imposed on the personal injury matter and allow same to proceed as against the limit of the insurance policy proceeds.

5. 11 U.S.C. §362(a) provides for relief from the automatic stay offered by the bankruptcy code "for cause". The Bankruptcy Act commits the decision of whether to lift the automatic stay to the discretion of the bankruptcy judge. In re Frigitemp Corp., 8 B.R. 284(SDNY 1981). Several Federal Courts have relied on section 326(d) in vacating an automatic stay so that a pending Civil action could go forward. In the matter of Holtkamp, 669 F.2d 505 (7th Circuit 1982), the Court of Appeals affirmed an order of the bankruptcy court which lifted the automatic stay. The Court of Appeals held that the lifting of the automatic stay, which allowed the Civil action for damages for

personal injury to proceed to trial, was proper because the civil action did not jeopardize the debtor's bankruptcy estate. The Court of Appeals also found that the Public Interest in Judicial Economy weighed in favor of permitting this suit to go forward. In the matter of Holtkamp the Court of Appeals rejected the debtor's contention that by permitting the trial to proceed, the bankruptcy court enabled the personal injury plaintiffs to gain a superior position over other creditors. As in Holtkamp the same is not applicable in the instant matter as defendant is covered by a policy of insurance which plaintiff has agreed to be limited to for any monetary recovery in the pending personal injury action.

6. The instant Order will not in any way affect or prejudice the rights of the Debtor as your affiant's office will stipulate not to proceed against said Debtor individually but only against the limits of the insurance policy through litigation in the Supreme Court, Queens County.

7. It is respectfully submitted that the automatic stay be modified to allow the Supreme Court action to continue on its merits, wherein it is agreed that any recovery would not exceed the limits of the liability insurance policy issued by AMERICAN TRANSIT INSURANCE COMPANY.

8. No prior application for the relief requested herein has been made to this or any other court.

WHEREFORE, it is respectfully requested that this court lift the automatic stay imposed in this matter, together with any and all further relief the Court deems just and equitable.

Dated: Flushing, New York
March 6, 2018



FRANCESCO POMARA, JR., ESQ. (FP 0807)

US BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

17-46613-NHL

-----X
IN RE:

ORDER

BRACHA CAB CORP., ET. AL.

CHAPTER 11

-----X

HON. NANCY HERSHEY
LORD

UPON the Application of RONALD JEAN PIERRE, by his attorneys, MALLILO & GROSSMAN, seeking an order, pursuant to 11 U.S.C. 362(a) and (d), granting relief and/or modification from the automatic stay, and allowing unsecured creditor, RONALD JEAN PIERRE, his successors and assigns, to pursue his statutory remedies, with respect to his personal injury action, against the insurance policy of the Debtor, upon the Affidavit of Service duly filed, and a hearing having been held before the Honorable Nancy Hershey Lord, Bankruptcy Judge, on April 12, 2018, and RONALD JEAN PIERRE, in support thereof, and no one having submitted papers or appeared in opposition thereto, and sufficient cause appearing therefore; it is

ORDERED, that RONALD JEAN PIERRE, is hereby granted relief from the automatic stay to pursue his claim against AMERICAN TRANSIT FARM INSURANCE COMPANY, the insurance company of the Debtor; and it is further

ORDERED, that the subject action will not, in any way,
affect the individual rights of the Debtor.

Dated: Flushing, New York
March 6, 2018

HON. NANCY HERSHEY LORD
US BANKRUPTCY JUDGE

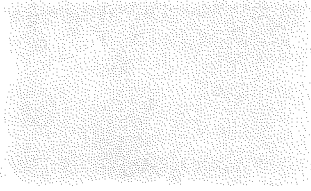


EXHIBIT A

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X

In re:

Bracha Cab Corp.,

Chapter 11

Debtor.

Case No. 17-46613-nhl

-----X

In re:

Dovber Cab Corp.,

Chapter 11

Debtor.

Case No. 17-46614-nhl

-----X

In re:

Tamar Cab Corp.,

Chapter 11

Debtor.

Case No. 17-46616-nhl

-----X

In re:

NY Genesis Taxi Corp,

Chapter 11

Debtor.

Case No. 17-46617-nhl

-----X

In re:

Dabri Trans Corp.,

Chapter 11

Debtor.

Case No. 17-46618-nhl

-----X

In re:

Merab Cab Corp.,

Chapter 11

Debtor.

Case No. 17-46619-nhl

-----X

In re:

Fit Taxi Corp.,

Chapter 11

Debtor.

Case No. 17-46620-nhl

-----X

In re:

Jarub Trans Corp.,

Chapter 11

Debtor.

Case No. 17-46639-nhl

-----X

-----X
In re:

Somyash Taxi Corp.,

Chapter 11

Debtor.

Case No. 17-46640-nhl

-----X
In re:

NY Tint Taxi Corp.,

Chapter 11

Debtor.

Case No. 17-46641-nhl

-----X
In re:

NY Stance Taxi Corp.,

Chapter 11

Debtor.

Case No. 17-46642-nhl

-----X
In re:

NY Canteen Taxi Corp.,

Chapter 11

Debtor.

Case No. 17-46644-nhl

-----X
In re:

NY Energy Taxi Corp.,

Chapter 11

Debtor.

Case No. 17-46645-nhl

-----X
In re:

Jackhel Cab Corp.,

Chapter 11

Debtor.

Case No. 17-46646-nhl

-----X
In re:

Lechaim Cab Corp.,

Chapter 11

Debtor.

Case No. 17-46647-nhl

-----X

**ORDER DIRECTING JOINT ADMINISTRATION
OF RELATED CHAPTER 11 CASES**

Upon the motions (the “Motions”) of the above-captioned Debtors for entry of an order

pursuant to section 101(2) of the Bankruptcy Code and Bankruptcy Rule 1015(b) directing the joint administration of the Debtors' related chapter 11 cases, all as more fully described in the Motions; and the Court having jurisdiction to consider the Motions and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334; and consideration of the Motions and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and venue being proper in this District pursuant to 28 U.S.C. § 1408; and due and proper notice of the Motions being adequate and appropriate under the particular circumstances; and a hearing having been held to consider the relief requested in the Motions (the "Hearing"); and the record of the Hearing; and the Court having found and determined that the relief sought in the Motions is in the best interests of the Debtors' estates, their creditors, and other parties in interest, and that the legal and factual basis set forth in the Motions establish just cause for the relief granted herein; and no opposition to the relief requested in the Motions having been interposed; and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED, that the Motions are granted as set forth herein; and it is further

ORDERED, that the above-captioned chapter 11 cases are consolidated for procedural purposes only and shall be jointly administered by this Court under Case No. 17-46613-nhl; and it is further

[The Order continues on the following page.]

ORDERED, that the consolidated caption of the jointly administered cases should read as follows:

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:

Bracha Cab Corp., *et al.*,

Debtors.

Chapter 11

Case No. 1-17-46613-nhl

Jointly Administered

and it is further

ORDERED, that an entry shall be made on the docket of each of the Debtors' cases that is substantially similar to the following:

An order has been entered in accordance with Rule 1015(b) of the Federal Rules of Bankruptcy Procedure directing the joint administration of the chapter 11 cases of Bracha Cab Corp., Dovber Cab Corp., Dabri Trans Corp., Merab Cab Corp., Fit Taxi Corp., Jarub Trans Corp., Somyash Taxi Corp., NY Canteen Taxi Corp., Lechaim Cab Corp., Tamar Cab Corp., NY Genesis Taxi Corp., NY Tint Taxi Corp., NY Stance Taxi Corp., NY Energy Taxi Corp., and Jackhel Cab Corp. All further pleadings and other papers shall be filed in, and all further docket entries shall be made in, Case No. 17-46613-nhl;

and it is further

ORDERED, that one consolidated docket, one file, and one consolidated service list shall be maintained by Bracha Cab Corp., and kept by the Clerk of the United States Bankruptcy Court for the Eastern District of New York; and it is further

ORDERED, that the terms and conditions of this Order shall be immediately effective and enforceable upon its entry; and it is further

ORDERED, that the Debtors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion; and it is further

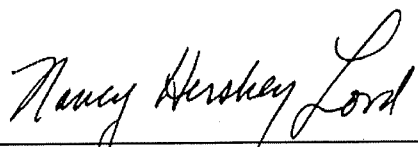
ORDERED, that the Debtors will each file a separate monthly operating report; and it is further

ORDERED, that this Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: January 19, 2018
Brooklyn, New York



5



Nancy Hershey Lord
United States Bankruptcy Judge

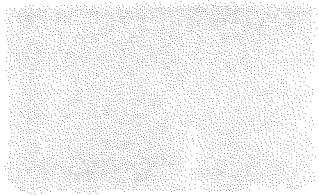


EXHIBIT B

1500213

Page 1 of 1 Pages

New York State Department of Motor Vehicles

POLICE ACCIDENT REPORT (NYC)

MV-104AN (7/11)

Incident

Accident No.

019
1250Complaint
Number☒ AMENDED REPORT

Accident Date Month: 4 Day: 01 Year: 2015			Day of Week WED		Military Time 0955		No. of Vehicles 2		No. Injured —		No. Killed —		Not Investigated at Scene <input type="checkbox"/>		Left Scene <input type="checkbox"/>		Police Photos <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
VEHICLE 1										VEHICLE 2 <input type="checkbox"/> BICYCLIST <input type="checkbox"/> PEDESTRIAN <input type="checkbox"/> OTHER PEDESTRIAN									
VEHICLE 1 - Driver License ID Number 770 443 483 State of Lic. NY										VEHICLE 2 - Driver License ID Number 687 117 104 State of Lic. NY									
Driver Name - exactly as printed on license JEAN PIERRE RONALD										Driver Name - exactly as printed on license HOSSAIN MD. J									
Address (Include Number & Street) 24016 128TH RD Apt. No.										Address (Include Number & Street) 167-06 HIGHLAND AVE Apt. No.									
City or Town ROSEDALE State NY Zip Code 11422										City or Town JAMAICA State NY Zip Code 11432									
Date of Birth [REDACTED] Sex M Unlicensed <input type="checkbox"/> No. of Occupants 1 Public Property Damaged <input type="checkbox"/>										Date of Birth [REDACTED] Sex M Unlicensed <input type="checkbox"/> No. of Occupants 1 Public Property Damaged <input type="checkbox"/>									
Name - exactly as printed on registration JEANPIERRE, RONALD										Name - exactly as printed on registration LECHAIM CAR CORP									
Address (Include Number & Street) 24016 128TH RD Apt. No.										Address (Include Number & Street) 518 W 44TH ST Apt. No.									
City or Town ROSEDALE State NY Zip Code 11422										City or Town NEW YORK State NY Zip Code 10036									
Plate Number 1635921C State of Reg. NY Vehicle Year & Make 2013/GMC Vehicle Type SUBV Ins. Code 339										Plate Number 1K66B State of Reg. NY Vehicle Year & Make 2011 FORD Vehicle Type TAXI Ins. Code D36									
Ticket/Arrest Number(s)										Ticket/Arrest Number(s)									
Violation Section(s)										Violation Section(s)									

Check if involved vehicle is: <input type="checkbox"/> more than 95 inches wide; <input type="checkbox"/> more than 34 feet long; <input type="checkbox"/> operated with an overweight permit; <input type="checkbox"/> operated with an overdimension permit.										Check if involved vehicle is: <input type="checkbox"/> more than 95 inches wide; <input type="checkbox"/> more than 34 feet long; <input type="checkbox"/> operated with an overweight permit; <input type="checkbox"/> operated with an overdimension permit.										Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles.									
VEHICLE 1 DAMAGE CODES Box 1 - Point of Impact 10 10 Box 2 - Most Damage Enter up to three more Damage Codes 3 4 5										VEHICLE 2 DAMAGE CODES Box 1 - Point of Impact 19 18 Box 2 - Most Damage Enter up to three more Damage Codes 3 4 5										ACCIDENT DIAGRAM 									
Vehicle By Towed: To										Vehicle By Towed: To										Cost of repairs to any one vehicle will be more than \$1000. <input checked="" type="checkbox"/> Unknown/Unable to Determine <input type="checkbox"/> Yes <input type="checkbox"/> No									

Reference Marker		Coordinates (if available)		Place Where Accident Occurred: <input type="checkbox"/> BRONX <input type="checkbox"/> KINGS <input checked="" type="checkbox"/> NEW YORK <input type="checkbox"/> QUEENS <input type="checkbox"/> RICHMOND																	
		Latitude/Northing:		Road on which accident occurred E 61st St (Route Number or Street Name)																	
		Longitude/Easting:		at 1) intersecting street BETWEEN 3rd & LEXINGTON AVE (Route Number or Street Name)																	
				or 2) <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W of (Milepost, Nearest Intersecting Route Number or Street Name)																	

Accident Description/Officer's Notes: Vehicle #1 Driver State that Driving on E 61st St W/B Then Vehicle #2 Change the lane & struck his vehicle Driver side Rear fender. Vehicle #2 Driver State Driving on E 61st St W/B on middle lane on Truck try to come out from parked position then he try to change lane turn his vehicle Passenger side from left side struck vehicle #1. NO INJURY

8	9	10	11	12	13	14	15	16	17	18	BY	TO	Names of all Involved	Date of Death Only
A	1	1	4	1	42	M	—	—	—	—	—	—	Jean Pierre Ronald	—
B	2	1	4	1	37	M	—	—	—	—	—	—	Hossain MD. J	—
C														
D														
E														
F														

Officer's Rank and Signature: TEAN KUN HAIDER		Tax ID No. 347489		NCIC No. 03030		Precinct 019		Post/Sector F		Reviewing Officer GM		Date/Time Reviewed 4/2/2015	
Print Name In Full: HAIDER, A													

PERSONS KILLED OR INJURED IN ACCIDENT (Letter designation of persons killed or injured must correspond with letter designation on fr

A Last Name		First	M.I.	D Last Name		First	M.I.
Address				Address			
Date of Birth		Telephone (Area Code)		Date of Birth		Telephone (Area Code)	
Month	Day	Year	()	Month	Day	Year	()
B Last Name		First	M.I.	E Last Name		First	M.I.
Address				Address			
Date of Birth		Telephone (Area Code)		Date of Birth		Telephone (Area Code)	
Month	Day	Year	()	Month	Day	Year	()
C Last Name		First	M.I.	Highway Dist. at Scene? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Address				Name:			
Date of Birth		Telephone (Area Code)		Shield No.			
Month	Day	Year	()				

ENTER INSURANCE POLICY NUMBER FROM INSURANCE IDENTIFICATION CARD, EXPIRATION DATE (IN ALL CASES), AND VIN.

Vehicle No. 1 1-MAD13283Vehicle No. 2 A111461Expiration Date 10/28/2015Expiration Date 03/01/2016VIN 1GKS2KE7DDR290914VIN 2FABP7AV4BX156995**WITNESS** (Attach separate sheet, if necessary)

Name	Address	Phone

DUPLICATE COPY REQUIRED FOR:☐ Dept. of Motor Vehicles
(If anyone is killed/injured)☐ Motor Transport Division
(P.D. vehicle involved)☒ NYC Taxi & Limousine Comm.
(If a Licensed taxi or limousine involved)☐ Other City Agency
(Specify)☐ Office of Comptroller
(If a City vehicle involved)☐ Personnel Safety Unit
(If a P.D. vehicle involved)☐ Highway Unit

NOTIFICATIONS: (Enter name, address, and relationship of friend or relative notified. If aided person is unidentified, list Missing Person Squad member who was notified. In either case, give date and time of notification.)

PROPERTY DAMAGED (other than vehicles)	OWNER OF PROPERTY (include city agency, where applicable)

IF NYPD VEHICLE IS INVOLVED:

Police Vehicle-Operator's First Name		Last Name	Rank	Shield No.	Tax ID. No.	Command
Make of Vehicle	Year	Type of Vehicle	Plate No.	Dept. Vehicle No.	Assigned To What Command	
Equipment in Use At Time of Accident						
<input type="checkbox"/> Siren	<input type="checkbox"/> Horn	<input type="checkbox"/> Turret Light	<input type="checkbox"/> 4-Way Flasher	<input type="checkbox"/> High-Level Warning Lights	<input type="checkbox"/> Traffic Cones	<input type="checkbox"/> Headlights

ACTIONS OF POLICE VEHICLE

☐ Responding to Code Signal

☐ Pursuing Violator

☐ Other (Describe)

☐ Complying with Station House Directive

☐ Routine Patrol

0360 250 216

EXHIBIT C

FILED: QUEENS COUNTY CLERK 07/24/2015 04:10 PM

NYSCEF DOC. NO. 1

INDEX NO. 707861/2015

RECEIVED NYSCEF: 07/24/2015

SUPREME COURT OF THE STATE OF NEW YORK
SUPREME COURT: QUEENS COUNTY

-----X
RONALD JEAN PIERRE

Plaintiff(s),

-against-

LECHAIM CAB CORP AND MD J. HOSSAIN,

Defendant(s).
-----X

Index No.:

Date Purchased: _____

SUMMONS

The basis of venue

is:

Plaintiff's Residence

Plaintiff resides

at:

240-16 128th Road

Rosedale, NY 11422

County of Queens

TO THE ABOVE NAMED DEFENDANT(s):

YOU ARE HEREBY SUMMONED to appear in this action by serving a notice of appearance on plaintiff's attorneys within 20 days after service of this summons, exclusive of the day of service, or within 30 days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, Judgment will be taken against you by default for the relief demanded in the Complaint.

DATED: Queens, New York

July 2, 2015

D/A: April 01, 2015

Yours, etc.,
MALLILO & GROSSMAN, ESQS.
Attorney for Plaintiff(s)
163-09 Northern Boulevard
Flushing, New York 11358
(718) 461-6633

Lechaim Cab Corp
518 West 44 Street
New York NY 10036

MD. J. Hossain
167-06 Highland Avenue
Jamaica NY 11432

SUPREME COURT OF THE STATE OF NEW YORK
SUPREME COURT: QUEENS COUNTY

-----X
RONALD JEAN PIERRE

VERIFIED COMPLAINT

Plaintiff(s),

Index No.:

-against-

LECHAIM CAB CORP AND MD J. HOSSAIN,

Defendant(s).
-----X

Plaintiff, RONALD JEAN PIERRE, by his attorneys, MALLILO & GROSSMAN, ESQS,
complaining of the defendants herein, respectfully show to the Court and allege:

AS AND FOR A FIRST CAUSE OF ACTION

1. That this plaintiff, RONALD JEAN PIERRE, was and still is a resident of the County of Queens, City and State of New York.
2. That defendant, LECHAIM CAB, CORP., was and still is a resident of the County of New York, City and State of New York.
3. That defendant, MD J. HOSSAIN, was and still is a resident of the County of Queens, City and State of New York.
4. Upon information and belief, and at all times hereinafter mentioned, the defendant, LECHAIM CAB CORP., was and still is a domestic corporation duly organized and existing by virtue of the laws of the State of New York.
5. Upon information and belief, and at all times hereinafter mentioned, the defendant, LECHAIM CAB CORP., was and still is a foreign corporation doing business in the State of New York.
6. Upon information and belief, and at all times hereinafter mentioned, the defendant, LECHAIM CAB CORP., was and still is a sole proprietorship doing business in the State of New York.
7. Upon information and belief, and at all times hereinafter mentioned, the defendant, LECHAIM CAB CORP., was and still is an unincorporated association doing business in the State of New York.

8. That at all times hereinafter mentioned, a certain motor vehicle bearing registration number T635921C, 2013 GMC, in the State of New York was owned by plaintiff, RONALD JEAN PIERRE.

9. That at all times hereinafter mentioned, a certain motor vehicle bearing registration number T635921C, 2013 GMC, in the State of New York was operated by the plaintiff, RONALD JEAN PIERRE.

10. Upon information and belief that at all times hereinafter mentioned, a certain motor vehicle bearing registration number 1K66B, 2011 Ford, in the State of New York was owned by the defendant, LECHAIM CAB CORP.

11. Upon information and belief that at all times hereinafter mentioned, a certain motor vehicle bearing registration number 1K66B, 2011 Ford, in the State of New York was operated by the defendant, MD J. HOSSAIN.

12. Upon information and belief that at all times hereinafter mentioned, on E 61st Street between 3rd Avenue & Lexington Avenue, in the County of New York, City and State of New York, were and still are public thoroughfares located in said County of New York, State of New York.

13. That on April 01, 2015 the aforesaid motor vehicle of the defendant was in contact with the motor vehicle operated by the plaintiff, RONALD JEAN PIERRE.

14. That said contact took place on 61st Street between 3rd Avenue & Lexington Avenue in the County of New York, City and State of New York.

15. That the aforesaid collision occurred without any fault or negligence on the part of the plaintiffs contributing thereto and was caused solely and wholly by the defendants negligence.

16. That the defendants were negligent in the operation, maintenance, management and control of their motor vehicle, in causing, permitting and allowing it to come in contact with the plaintiffs vehicle; in failing to give due and proper warning of the movements of their said motor vehicle in order to avoid the accident; in operating their motor vehicle at an excessive rate of speed; in failing to keep a proper lookout upon the highway; and in so operating the said motor vehicle as to cause the same to come into contact, in violation of the statutes, ordinances and regulations in such cases made and provided.

17. That as a result of the foregoing contact the plaintiff, RONALD JEAN PIERRE, was caused to be injured.

18. That as a result of the foregoing, the plaintiff, RONALD JEAN PIERRE, was caused to suffer a "serious injury" as that term is defined in subdivision 4 of Section 5102 of the Insurance Law of the State of New York, and being a covered person and claiming against a covered person, is entitled to recover for noneconomic loss, including pain, suffering and disfigurement and is entitled to recover for such economic loss as exceeds basic economic.

19. That by reason of the premises and wrongful acts and omissions on the part of the defendants as aforesaid, the plaintiff, RONALD JEAN PIERRE, has suffered and will continue to suffer, pain and agony in mind and body and were unable to attend to his duties, all to his damage in the sum which exceeds the jurisdictional limits of all lower court, which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION

20. This plaintiff, RONALD JEAN PIERRE, repeats, reiterates, and realleges each and every allegation contained in all preceding paragraphs, inclusive with the same force and effect as if fully set forth herein at length.

21. That as a result of all the foregoing, the plaintiff's 2013 GMC was damaged in the sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, the plaintiff demands judgment against the defendants in the first cause of action and the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, and plaintiff demands judgment against the defendants in the second cause of action and the amount of damages exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

DATED: Queens, New York
July 2, 2015

MALLIO & GROSSMAN
Attorney for Plaintiffs
163-09 Northern Blvd.
Flushing, New York
(718) 461-6633
1500213

STATE OF NEW YORK)
) SS.:
COUNTY OF QUEENS)

I, RONALD JEAN PIERRE, BEING DULY
SWORN DEPOSES AND SAYS:


THAT I AM THE PLAINTIFF IN THE WITHIN ACTION.

THAT I HAVE READ THE FOREGOING COMPLAINT AND KNOW THE
CONTENTS THEREOF; THE SAME IS TRUE AND TO MY OWN KNOWLEDGE, EXCEPT
AS TO THE MATTERS HEREIN STATED TO AS ALLEGED ON INFORMATION AND
BELIEF, AND AS TO THOSE MATTERS I BELIEVE IT TO BE TRUE.



RONALD JEAN PIERRE

SWORN TO BEFORE ME THIS
8 DAY OF July, 2015


VANESSA MARTINEZ
NOTARY PUBLIC, STATE OF NEW YORK
No. 01MA6094027
QUALIFIED IN QUEENS COUNTY
COMMISSION EXPIRES JUNE 16, 2019

OUR FILE# 1500213

Index No.

SUPREME COURT OF THE STATE OF NEW YORK
SUPREME COURT; QUEENS COUNTY

RONALD JEAN PIERRE

Plaintiff(s),

-against-

LECHAIM CAB CORP AND MD J. HOSSAIN,

Defendant(s).

SUMMONS AND VERIFIED COMPLAINT

MALLILO & GROSSMAN, ESQS.

Attorneys for Plaintiff(s)
163-09 Northern Boulevard
Flushing, New York 11358
(718) 461-6633
Fax: (718) 461-1062

Pursuant to 22 NYCRR 130-1.1A, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.

Dated:

Signature

JACK GROSSMAN, ESQ.

TO:

FILED: QUEENS COUNTY CLERK 08/21/2015 08:30 AM

INDEX NO. 707861/2015

NYSCEF DOC. NO. 5

RECEIVED NYSCEF: 08/21/2015

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS**

RONALD JEAN PIERRE,

Plaintiff(s),

-against -

LECHAIM CAB CORP. and MD J. HOSSAIN,

Defendant(s).

INDEX NO.: 707861/15

Chris
1500213

**VERIFIED ANSWER WITH
DEMAND FOR BILL OF PARTICULARS**

CASE ID: 77695
OUR FILE NO.: 906938
YOUR FILE NO.:

Sirs/Madams:

The Defendant(s), **LECHAIM CAB CORP. and MD J. HOSSAIN**, by attorneys, **BAKER, MCEVOY, MORRISSEY & MOSKOVITS, P.C.** answering the Complaint of the Plaintiff(s) herein, respectfully allege(s) upon information and belief, as follows:

ANSWERING THE ALLEGED FIRST CAUSE OF ACTION

Upon information and belief, denies each and every allegation in the paragraphs of the Complaint designated as follows: **5, 15, 16, 17, 18, 19.**

Denies any knowledge or information thereof, sufficient to form a belief as to the truth of the allegations contained in the paragraphs of the Complaint designated as follows: **1, 2, 3, 6, 7, 8, 9.**

ANSWERING THE ALLEGED SECOND CAUSE OF ACTION

Answering paragraph **20** of the Complaint, repeats, reiterates and realleges each and every allegation, admission and denial contained in the preceding paragraphs of this Answer, with the same force and effect as though here again set forth at length.

Upon information and belief, denies each and every allegation in the paragraphs of the Complaint designated as follows: **21.**

FIRST AFFIRMATIVE DEFENSE

That the Court Lacks Personal Jurisdiction over the answering Defendant(s) in that the Summons and Complaint was not served upon the Defendant(s), and if the Summons was served, it was not effected in accordance with the applicable provisions of Article 3 of the CPLR, said provisions governing the service of process.

SECOND AFFIRMATIVE DEFENSE

That by reason of all of the provisions of Article 51 of the New York Comprehensive Motor Vehicle Insurance Reparations Act, Sections 5101 to 5108, this Court lacks jurisdiction over the subject matter of this action and Plaintiff(s) is expressly prohibited by the above mentioned law from maintaining this action.

THIRD AFFIRMATIVE DEFENSE

Pursuant to the C.P.L.R. Sections 1411 and 1412, any damages sustained by the Plaintiff(s) were caused by the culpable conduct of the Plaintiff(s), including comparative negligence or assumption of the risk, and not by the culpable conduct or negligence of the answering Defendant(s).

FOURTH AFFIRMATIVE DEFENSE

Pursuant to C.P.L.R. 4545, Plaintiff's recovery should be reduced by any amounts received or to be received by Plaintiff(s) from collateral sources of payment.

FIFTH AFFIRMATIVE DEFENSE

That if the Plaintiff(s) suffered injury and damage in the manner and at the time and place alleged in the complaint, which this Defendant(s) denies / deny and if it be determined that said injury and damage were caused and contributed to by reason of the Plaintiff's failure to use or properly use seat belts, shoulder harness (es) or other restraining devices, pursuant to the authority of SPIER V. BARKER, 35 N.Y.2d 444, 363 N.Y.S.2d 916, Defendant(s) hereby pleads said failure in mitigation of damages.

SIXTH AFFIRMATIVE DEFENSE

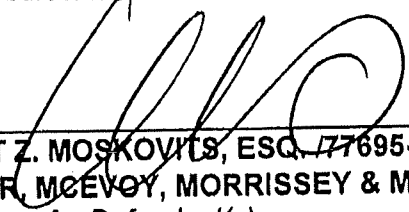
That if it be determined hereafter that Plaintiff(s) or any party to this lawsuit has proceeded to arbitration with respect to any issue relevant to this action which results in an adverse ruling to said Plaintiff(s) or party, then and in that event, the answering Defendant(s) hereby pleads said adverse ruling or award on the theory of collateral estoppel under the authority of MATTER OF AMERICAN INSURANCE CO. (MESSENGER-AETNA CAS. & SUR. CO.), 43 N.Y.2d 184, 401 N.Y.S.2d 36; ALTMAN v. QUEENS TR. CORP., 94 Misc.2d 549, 405 N.Y.S.2d 212; DERMATOSSIAN v. NEW YORK CITY TRANSIT AUTHORITY, 67 N.Y.2d 219, 501 N.Y.S.2d 784; c.f. BALDWIN v. BROOKS, 83 A.D.2d 85, 443 N.Y.S.2d 906; CLEMMENS v. APPLE, 65 N.Y.2d 746 and SCHULTZ v. BOYSCOUTS OF AMERICA, 65 N.Y.2d 189.

SEVENTH AFFIRMATIVE DEFENSE

That Defendant-operator acted under emergency conditions not created by him/her and which qualify under the "emergency doctrine." Such doctrine holds that those faced with a sudden and unexpected circumstance, not of their own making, which leaves them with little or no time for reflection or reasonably causes them to be so disturbed that they are compelled to make a quick decision without weighing alternative courses of conduct, may not be negligent if their actions are reasonable and prudent in the context of the emergency, even if it later appears that the actor made a wrong decision, provided the actor has not created the emergency. Bello v. Transit Auth., 12 A.D.3d 58, 60 (2nd Dept. 2004); Caristo v. Sanzone, 96 N.Y.2d 172, 174 (2001); Rivera v. New York City Tr. Auth., 77 N.Y.2d 322, 327 (1991); Kuci v. Manhattan & Bronx Surface Tr. Operating Auth., 88 N.Y.2d 923 (1996); Pawlukiewicz v. Bolisson, 275 A.D.2d 446 (2nd Dept. 2000); Carmela Roviello v. Schoolman Transportation System, Inc., 10 A.D. 3d 356 (2nd Dept. 2004).

WHEREFORE, the answering Defendant(s) demand(s) judgment dismissing the Complaint of the Plaintiff(s) herein, together with the costs and disbursement of this action.

Dated: BROOKLYN, NY
AUGUST 20, 2015



RONIT Z. MOSKOVITS, ESQ. /77695-906938/cb
BAKER, MCEVOY, MORRISSEY & MOSKOVITS, P.C.
Attorneys for Defendant(s)
LECHAIM CAB CORP. and MD J. HOSSAIN
ONE METROTECH CENTER, 8TH FL.
BROOKLYN, NY 11201
TEL: (212) 857-8230/FAX:(212) 857-8238

TO: SEE RIDER.

A F F I R M A T I O N

STATE OF NEW YORK, COUNTY OF KINGS) ss.:

RONIT Z. MOSKOVITS, an attorney at law, hereby affirms pursuant to the C.P.L.R. and subscribing as true under the penalties of perjury, as follows:

That the Affirmant is associated with firm of **BAKER, McEVOY, MORRISSEY & MOSKOVITS, P.C.**, attorneys of record for the Defendant(s) in the above entitled action.

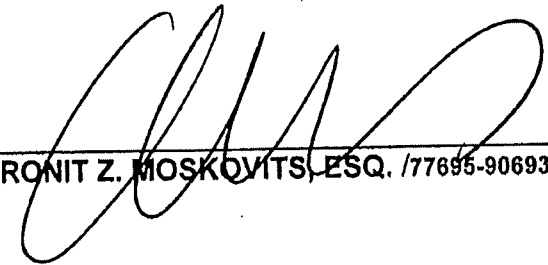
That the Affirmant has read the foregoing **VERIFIED ANSWER WITH DEMAND FOR BILL OF PARTICULARS, NOTICE FOR DISCOVERY AND INSPECTION ARTICLE 31 C.P.L.R., NOTICE PURSUANT TO C.P.L.R. 2103 (e), DEMAND FOR AUTHORIZATIONS TO OBTAIN MEDICAL INFORMATION AND DEMAND FOR PHYSICAL EXAMINATION, DEMAND FOR PHYSICAL EXAMINATION AND MEDICAL REPORTS, COMBINED DEMANDS, NOTICE DECLINING SERVICE BY FAX TRANSMITTALS, NOTICE FOR INSURANCE INFORMATION, and DEMAND FOR MEDICARE/MEDICAID INFORMATION** and knows the contents thereof; that same is true to her own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters, she believes them to be true.

This Verification is made by Affirmant and not by the Defendant(s) because said Defendant(s) were not within the County in which the firm of **BAKER, McEVOY, MORRISSEY & MOSKOVITS, P.C.** maintain their offices for the practice of law when this **VERIFIED ANSWER WITH DEMAND FOR BILL OF PARTICULARS, NOTICE FOR DISCOVERY AND INSPECTION ARTICLE 31 C.P.L.R., NOTICE PURSUANT TO C.P.L.R. 2103 (e), DEMAND FOR AUTHORIZATIONS TO OBTAIN MEDICAL INFORMATION AND DEMAND FOR PHYSICAL EXAMINATION, DEMAND FOR PHYSICAL EXAMINATION AND MEDICAL REPORTS, COMBINED DEMANDS, NOTICE DECLINING SERVICE BY FAX TRANSMITTALS, NOTICE FOR INSURANCE INFORMATION, and DEMAND FOR MEDICARE/MEDICAID INFORMATION** was drafted.

The grounds of Affirmant's belief as to all matters not stated upon her knowledge are as follows:

**BOOKS AND RECORDS MAINTAINED BY THE FIRM OF
BAKER, MCEVOY, MORRISSEY & MOSKOVITS, P.C.
AND INFORMATION SUPPLIED BY
AMERICAN TRANSIT INSURANCE COMPANY.**

DATED AFFIRMED: BROOKLYN, NY
AUGUST 20, 2015



RONIT Z. MOSKOVITS, ESQ. /77695-906938/CB

TO: **MALLILO & GROSSMAN, ESQS.**
Attorney(s) for the Plaintiff(s)
RONALD JEAN PIERRE
163-09 NORTHERN BOULEVARD
FLUSHING, NY 11358
TELEPHONE: (718) 461-6633

FILE NO. 906938

EXHIBIT D

BAKER, McEVOY, MORRISSEY & MOSKOVITS, P.C.
ATTORNEYS AT LAW

STEVEN J. BAKER
JOHN P. McEVOY
COLLIN F. MORRISSEY
RONIT Z. MOSKOVITS

ONE METROTECH CENTER
BROOKLYN, NY 11201-3948
TELEPHONE (212) 857-8230

January 27, 2016

MALLILO & GROSSMAN, ESQS.
163-09 NORTHERN BLVD.
FLUSHING, NY 11358

Re: **RONALD PIERRE v. LECHAIM CAB CORP., ET AL**
Case ID No.: **77695**
File Number: **906938**
Index Number: **707861/2015E**
D/O/L: **APRIL 1, 2015**

Dear Counselor:

Defendant(s), **LECHAIM CAB CORP.** and **MD J. HOSSAIN**, submit the following as their response to the **PRELIMINARY CONFERENCE ORDER** dated **JANUARY 5, 2016** and **COMBINED DEMANDS FOR DISCOVERY AND INSPECTION** dated **SEPTEMBER 15, 2015**:

1. **NAMES AND ADDRESSES OF WITNESSES:** Defendants are unaware of any witnesses other than those that may be listed on the police report.
2. **OPPOSING PARTIES' STATEMENTS:** Copy of Plaintiff's Form Five is annexed.
3. **REPAIR BILLS:** Defendants' attorneys are not in possession of these records; however, relevant inquiries are being made thereto.
4. **LEGAL ACTIONS:** Defendants are unaware of any other matter other than the within matter.
5. **TESTIMONY:** None.
6. **VIOLATIONS:** None.
7. **LEASES:** Defendants' attorneys are not in possession of these records; however, relevant inquiries are being made thereto.
8. **MAINTENANCE AGREEMENTS:** This is an improper demand.

RE: PIERRE v. LECHAIM CAB
OUR FILE NO.: 906938

PAGE 2
JAN 27, 2016

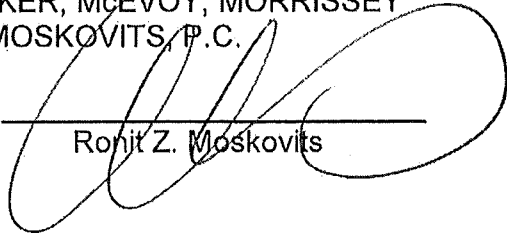
9. **VIDEOS, SURVEILLANCE MATERIALS, OUT-TAKES, PHOTOGRAPHS, ET AL:** Copies of photographs in Defendants' possession are annexed.
10. **INSURANCE COVERAGE:** Insurance coverage is provided by American Transit Insurance Company. A copy of insurance information is annexed.
There is no additional, excessive and/or umbrella coverage at the time of the accident as to Defendant, Lechaim Cab Corp. Copy of an Affidavit stating the same is attached hereto. Relevant inquiries are being made as to Defendant, MD J. Hossain.
11. **EXPERT WITNESS:** Defendants, at this time, have not retained any expert witness. If and when such witnesses are retained, Plaintiff will be notified as soon as possible.
12. **INSPECTION, MAINTENANCE AND/OR REPAIR RECORDS:** This is an improper demand.
13. **VEHICLE MAINTENANCE AND REPAIR RECORDS:** This is an improper demand.
14. **CONTRACTS:** This is an improper demand.
15. **DEFENDANTS' ADDRESSES:** Upon information and belief, the following are Defendants' last known addresses:
Lechaim Cab Corp. 518 W. 44th St., New York, NY 10036
MD J. Hossain 167-06 Highland Ave., Jamaica, NY 11432
16. **PRIOR CLAIMS OR LAWSUITS:** Defendants object to this demand as being overly broad, vague, vexatious, failing to specify that which it seeks to produce, failing to be limited in time scope or duration, and otherwise as improper and unanswerable.
17. **ACCIDENT/INCIDENT REPORTS:** Defendants, at this time, are not in possession of any reports other than the Police Report, copy of which is attached hereto. As to the demand for incident report, Defendants are not in possession of any other than Defendant operator's MV-104, which is a matter of public record.

RE: PIERRE v. LECHAIM CAB
OUR FILE NO.: 906938

PAGE 3
JAN 27, 2016

**Defendants reserve the right to supply and/or amend any of the above if
and when additional information becomes available.**

Yours, etc.,
BAKER, McEVOY, MORRISSEY
& MOSKOVITS, P.C.

By: 
Ronit Z. Moskovits

Enc.

RZM/oa

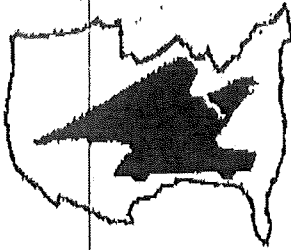
04/30/2015 1:08 PM FAX 7189771977

MERRICK PHARMACY

0001/0001

FORM FIVE

IMPORTANT
PLEASE ATTACH
YOUR ESTIMATE



AMERICAN TRANSIT INSURANCE COMPANY

04/15/2015

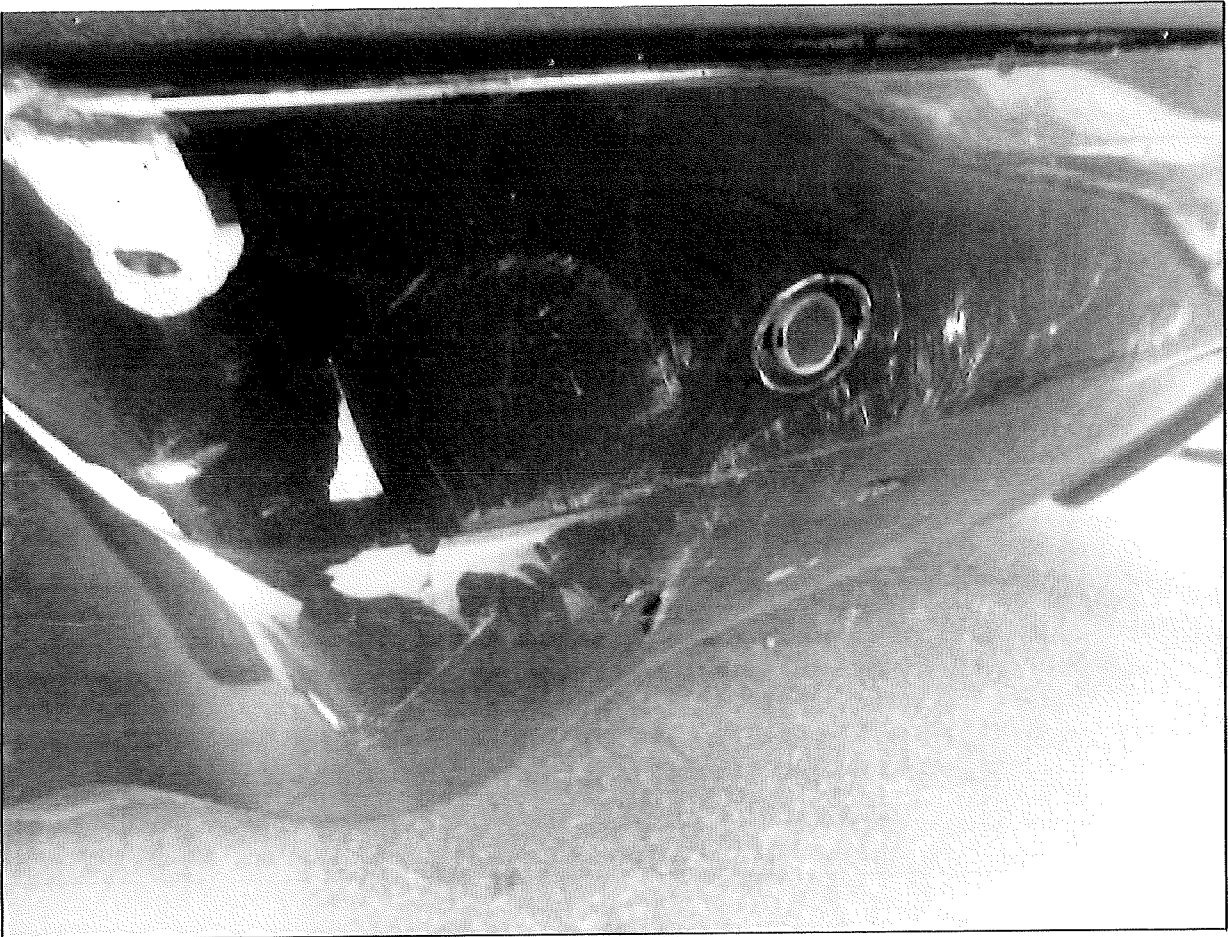
JEAN PIERRE RONALD
240-16 128TH ROAD
ROSEDALE, NY 11422

RE: Claimant: JEAN PIERRE RONALD
Insured: LECHAIM CAB CORP
Our Claim No.: [REDACTED]
Date of Accident: 04/01/2015
Place of Accident: NYC/E, 61ST ST BET 3RD AVE & LEX AV

We have just been advised of this unfortunate incident and ask your cooperation in order that we may promptly investigate and adjust it.
If you will complete this page and return it in the enclosed self-addressed envelope, we shall contact you promptly upon receipt thereof.

1. Year 2013 Make/Model GMC Yukon Plate # T635921C State NY
2. VIN No. 1GKS2KE70DR290914 Mileage 75,800 Veh. Color Black
3. Name, Address, Date of Birth, Social Security No. of Registered Owner
Ronald Jean Pierre 240-16 128th Road NY 11422
SOC S.C.# [REDACTED] 8941 Phone # (718) 785 8368
4. Damage to your vehicle Back Rear driver Side
5. Enclose written estimate of your repairs and photographs
6. Name of your Insurance Company and Policy No. Maya 7MA0132839
7. Describe your version of the accident: I was driving straight from East 61st Street on East 61st St then stop for traffic. The driver from your policy hit my car on the back of driver side
8. Name, Date of Birth, Social Security No. of All Occupants: Ronald Jean Pierre
[REDACTED] SOC# [REDACTED] -3941
9. If anyone in vehicle was injured, please write name, address, date of birth, social security no. and nature of injury below. If none were injured, write NONE.
Ronald Jean Pierre [REDACTED] (SOC# [REDACTED])
240-16 128th Road Rosedale NY 11422

Signed: [Signature]



SAM_9955.JPG



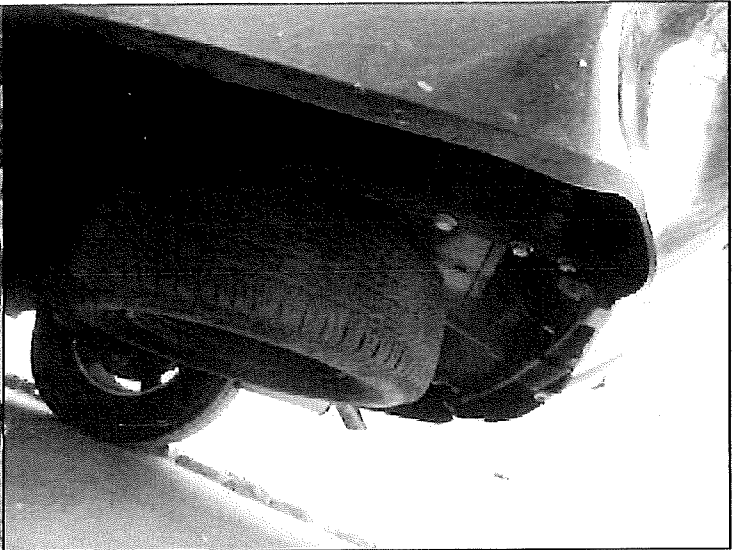
SAM_9954.JPG



SAM_9957.JPG



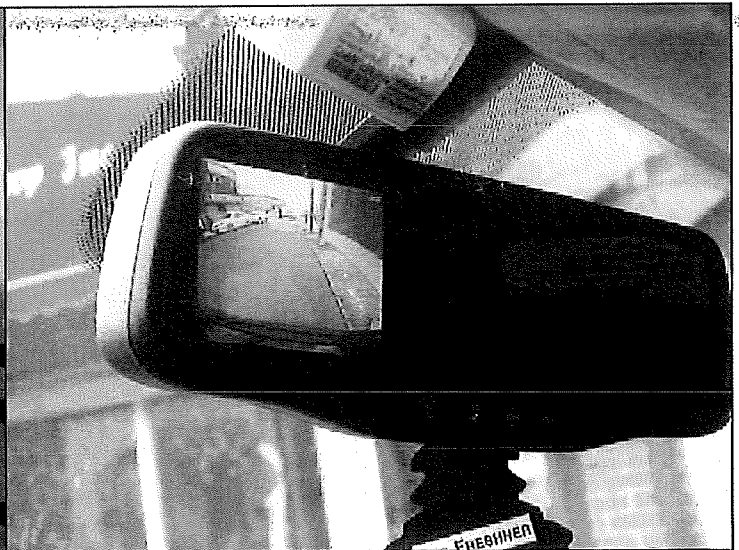
SAM_9956.JPG



SAM_9958.JPG



SAM_9959.JPG



SAM_9960.JPG

CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

PRODUCER	INSURER AFFORDING COVERAGE
CITY TAXI BROKERAGE INC 504 W 55 ST NEW YORK, NY 10019	AMERICAN TRANSIT INSURANCE COMPANY One MetroTech Center - 7th and 8th floors Brooklyn, New York 11201 212 857-8200 • 1 800 683-ATIS

INSURED
LECHAIM CAB CORP 518 WEST 44 ST NEW YORK, NY 10036

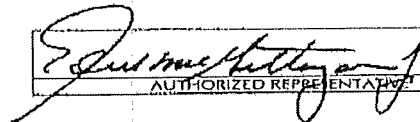
AUTOMOBILE LIABILITY	POLICY NUMBER	POLICY EFFECTIVE DATE	POLICY EXPIRATION DATE
SCHEDULED AUTO	A111461	03/01/2015 (12:01 AM)	03/01/2016 (12:01 AM)

COVERAGES	LIMITS OF LIABILITY
BODILY INJURY	\$100,000 EACH PERSON
	\$300,000 EACH ACCIDENT
PROPERTY DAMAGE	\$20,000 EACH ACCIDENT
UNINSURED MOTORIST (INCLUDES SUM)	\$25,000 EACH PERSON
	\$50,000 EACH ACCIDENT
MANDATORY PERSONAL INJURY PROTECTION	\$50,000
ADDITIONAL PIP	\$150,000
AGGREGATE NO-FAULT	\$200,000
COMPREHENSIVE COLLISION	

DESCRIPTION OF REGISTERED OWNED VEHICLE(S)
2011 FORD CROWN VICTORIA VIN: 2FABP7A V4BX156995 Medallion No.: 1K66 Symbol: MP12L Effective: 03/01/2015

CERTIFICATE HOLDER	CANCELLATION
NYC TAXI AND LIMOUSINE COMMISSION 32-02 QUEENS BOULEVARD LONG ISLAND CITY NY 11101	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER OR REPRESENTATIVES

DISCLAIMER
THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), OR PRODUCER, AND THE CERTIFICATE HOLDER, NOR DOES IT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES LISTED THEREON.


AUTHORIZED REPRESENTATIVE

**OWNER'S LIABILITY COVERAGE
IN MOTOR VEHICLE ACCIDENT**

CORPORATE NAME: Andrew Rosenberg Lechaim Cab Corp
 DEPONENT'S NAME: Andrew Rosenberg
 POSITION TITLE: AGENT
 ADDRESS: 518 WEST 74th STREET, New York, NY 10036

Re: **RONALD JEAN PIERRE v. LECHAIM CAB CORP. and MD J. HOSSAIN;**
 Date of Accident: 04/01/2015
 Case Id: 77695
 Our File No: 906938
 Policy Limits: 100/300/20/ Policy Number: MPA111461

VEHICLE PLATE/HACK NUMBER: 1K66B

I, Andrew Rosenberg being duly sworn hereby affirm under the penalties of Perjury that the following is true

I am knowledgeable in all insurance matters of Lechaim Cab Corp (hereinafter referred to as "THE CORPORATION") and of their business matters and records.

1. Aside from the insurance coverage provided to you by American Transit Insurance Company at the time of the Accident on, 04/01/2015 did you have any excess or umbrella liability insurance policies?

Answer: ☐ YES, or ☐ NO.

2 If the answer to the above question is Yes, please provide the following information:

- (a) Name of the excess insurance company or carrier:
- (b) Policy Number:
- (c) Dates of Coverage: (from) _____ (to) _____
- (d) Amounts of Coverage: \$ _____

Does THE CORPORATION have or know of the existence of any G.P.S. or Trip Sheet for the driver and the driver's vehicle from the date of the accident?

Answer: ☐ YES, or ☐ NO.

Print name here: Andrew Rosenberg

Signature: As Agent

SWORN TO BEFORE ME THIS

3rd Day of September, 2015

Louise A. Torres
 NOTARY PUBLIC

LOUISE A. TORRES
 Notary Public, State of New York
 No. 01TO6304947
 Qualified in Richmond County
 Commission Expires June 2, 2018

Scanned by Nseachattan / Rec'd 09/18/2015 / 15:41:27

Page 1 of 1 Pages

New York State Department of Motor Vehicles
POLICE ACCIDENT REPORT (NYC)
MV-104AN (7/11)Precinct
019
Accident No.
1250Complaint
Number☐ AMENDED REPORT

Accident Date Month Day Year 4 01 2015	Day of Week WED	Military/Time 0955	No. of Vehicles 2	No. Injured —	No. Killed —	Not Investigated at Scene <input type="checkbox"/>	Left Scene <input type="checkbox"/>	Police Photos <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
--	--------------------	-----------------------	----------------------	------------------	-----------------	---	--	--

VEHICLE 1				VEHICLE 2 <input type="checkbox"/> BICYCLIST <input type="checkbox"/> PEDESTRIAN <input type="checkbox"/> OTHER PEDESTRIAN				
2	VEHICLE 1 - Driver License ID Number 770 443 483	State of Lic. NY	VEHICLE 2 - Driver License ID Number 687 917 104	State of Lic. NY				
1	Driver Name - exactly as printed on license JEAN PIERRE RONALD		Driver Name - exactly as printed on license HOSSAIN MD. J					
	Address (include Number & Street) 24016 128TH RD	Apt. No.	Address (include Number & Street) 167-06 HIGHLAND AVE	Apt. No.				
	City or Town ROSEDALE	State NY	City or Town JAMAICA	State NY				
	Zip Code 11422		Zip Code 11432					

3	Date of Birth Month Day Year [REDACTED]	Sex M	Unlicensed <input type="checkbox"/>	No. of Occupants 1	Public Property Damaged <input type="checkbox"/>	Date of Birth Month Day Year [REDACTED]	Sex M	Unlicensed <input type="checkbox"/>	No. of Occupants 1	Public Property Damaged <input type="checkbox"/>
1	Name - exactly as printed on registration JEANPIERRE, RONALD	Sex	Date of Birth Month Day Year [REDACTED]			Name - exactly as printed on registration LECHAIM CAR CORP	Sex	Date of Birth Month Day Year [REDACTED]		
	Address (include Number & Street) 24016 128TH RD	Apt. No.	Haz. Mat. Code [REDACTED]	Released <input type="checkbox"/>		Address (include Number & Street) 518 W 44TH ST	Apt. No.	Haz. Mat. Code [REDACTED]	Released <input type="checkbox"/>	
	City or Town ROSEDALE	State NY	Zip Code 11422			City or Town NEW YORK	State NY	Zip Code 10036		

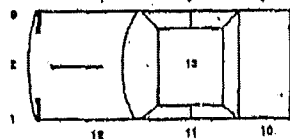
4	Plate Number 1635921C	State of Reg. NY	Vehicle Year & Make 2013 GMC	Vehicle Type SUBV	Ins. Code 339	Plate Number 1K66B	State of Reg. NY	Vehicle Year & Make 2011 FORD	Vehicle Type TAXI	Ins. Code 036
5	Ticket/Arrest Number(s)		Ticket/Arrest Number(s)			Ticket/Arrest Number(s)		Ticket/Arrest Number(s)		
1	Violation Section(s)		Violation Section(s)			Violation Section(s)		Violation Section(s)		

6	Check if involved vehicle is: <input type="checkbox"/> more than 96 inches wide; <input type="checkbox"/> more than 34 feet long; <input type="checkbox"/> operated with an overweight permit; <input type="checkbox"/> operated with an overdimension permit.	Check if involved vehicle is: <input type="checkbox"/> more than 96 inches wide; <input type="checkbox"/> more than 34 feet long; <input type="checkbox"/> operated with an overweight permit; <input type="checkbox"/> operated with an overdimension permit.	Circle the diagram below that describes the accident, or draw your own diagram in space #8. Number the vehicles.
1	VEHICLE 1 DAMAGE CODES Box 1 - Point of Impact Box 2 - Most Damage Enter up to three more Damage Codes	VEHICLE 2 DAMAGE CODES Box 1 - Point of Impact Box 2 - Most Damage Enter up to three more Damage Codes	ACCIDENT DIAGRAM [Diagram showing vehicle positions and directions]
1	Vehicle By Towed: To	Vehicle By Towed: To	

VEHICLE DAMAGE CODING:

1-13. SEE DIAGRAM ON RIGHT.

14. UNDERCARRIAGE 17. DEMOLISHED
15. TRAILER 18. NO DAMAGE
16. OVERTURNED 19. OTHER



Reference Marker	Coordinates (if available) Latitude/Northing: Longitude/Easting:	Place Where Accident Occurred: <input type="checkbox"/> BRONX <input type="checkbox"/> KINGS <input checked="" type="checkbox"/> NEW YORK <input type="checkbox"/> QUEENS <input type="checkbox"/> RICHMOND Road on which accident occurred: E 61ST ST (Route Number or Street Name) at 1) Intersecting street: BETWEEN 3rd & KENINGTON AVE (Route Number or Street Name) or 2) <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W of (Mileage, Nearest Intersecting Route Number or Street Name)
------------------	--	--

Accident Description/Officer's Notes: Vehicle #1 Driver State that Driving on E 61st St W/B then Vehicle #2 change the lane & struck his vehicle Driver side Rear fender. Vehicle #2 Driver State Driving on E 61st St W/B on middle lane on Truck try to come out from parked position then he try to change lane turn his vehicle Passenger side from left side struck vehicle #1. NO INJURY

	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
A	1	2	4	1	42	M	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
B	2	1	4	1	37	M	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
C																							
D																							
E																							
F																							

Officer's Rank and Signature TEAU Kevin Stand	Tax ID No. 347489	NCIC No. 03030	Precinct 019	Post Sector F	Reviewing Officer GM	Date/Time Reviewed 4/2/2015
--	----------------------	-------------------	-----------------	------------------	-------------------------	--------------------------------

PERSONS KILLED OR INJURED IN ACCIDENT (Letter designation of persons killed or injured must correspond with letter designation on fr.)

A Last Name		First		M.I.		D Last Name		First		M.I.	
Address						Address					
Date of Birth		Telephone (Area Code)		Date of Birth		Telephone (Area Code)		Date of Birth		Telephone (Area Code)	
Month	Day	Year	()	Month	Day	Year	()	Month	Day	Year	()
B Last Name		First		M.I.		E Last Name		First		M.I.	
Address						Address					
Date of Birth		Telephone (Area Code)		Date of Birth		Telephone (Area Code)		Date of Birth		Telephone (Area Code)	
Month	Day	Year	()	Month	Day	Year	()	Month	Day	Year	()
C Last Name		First		M.I.		Highway Dist. at Scene?		<input type="checkbox"/> Yes <input type="checkbox"/> No		Name:	
Address						Name:					
Date of Birth		Telephone (Area Code)		Date of Birth		Telephone (Area Code)		Date of Birth		Telephone (Area Code)	
Month	Day	Year	()	Month	Day	Year	()	Month	Day	Year	()
Shield No.						Shield No.					

ENTER INSURANCE POLICY NUMBER FROM INSURANCE IDENTIFICATION CARD, EXPIRATION DATE (IN ALL CASES), AND VIN.

Vehicle No. 1 1-MAD122883

Vehicle No. 2 A111461

Expiration Date 10/28/2015

Expiration Date 03/01/2016

VIN 16K52KE70DR290914

VIN 29ABP7AV4BX156995

WITNESS (Attach separate sheet, if necessary)

Name	Address	Phone

DUPLICATE COPY REQUIRED FOR:

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Dept. of Motor Vehicles
(If anyone is killed/injured) | <input type="checkbox"/> Motor Transport Division
(P.D. vehicle involved) | <input checked="" type="checkbox"/> NYC Taxi & Limousine Comm.
(If a Licensed taxi or Limousine involved) | <input type="checkbox"/> Other City Agency:
(Specify) |
| <input type="checkbox"/> Office of Comptroller
(If a City vehicle involved) | <input type="checkbox"/> Personnel Safety Unit
(If a P.D. vehicle involved) | <input type="checkbox"/> Highway Unit | |

NOTIFICATIONS: (Enter name, address, and relationship of friend or relative notified. If aided person is unidentified, list Missing Person Squad member who was notified. In either case, give date and time of notification.)

PROPERTY DAMAGED (other than vehicles)	OWNER OF PROPERTY (include city agency, where applicable)

IF NYPD VEHICLE IS INVOLVED:

Police Vehicle-Operator's First Name	Last Name	Rank	Shield No.	Tax ID. No.	Command
Make of Vehicle	Year	Type of Vehicle	Plate No.	Dept. Vehicle No.	Assigned To What Command
Equipment in Use At Time of Accident					
<input type="checkbox"/> Siren	<input type="checkbox"/> Horn	<input type="checkbox"/> Turret Light	<input type="checkbox"/> 4-Way Flasher	<input type="checkbox"/> High-Level Warning Lights	<input type="checkbox"/> Traffic Cones
<input type="checkbox"/> Headlights					

ACTIONS OF POLICE VEHICLE

- | | |
|--|---|
| <input type="checkbox"/> Responding to Code Signal | <input type="checkbox"/> Complying with Station House Directive |
| <input type="checkbox"/> Pursuing Violator | <input type="checkbox"/> Routine Patrol |
| <input type="checkbox"/> Other (Describe) | |

STATE OF NEW YORK)

COUNTY OF QUEENS) ss.:

POPI XARRAS being duly sworn, deposes and says:

That I am not a party to this action, I am over 18 years of age and reside in Queens, New York.

On 3/12/18, I served the within NOTICE OF MOTION in an official depository under the exclusive care and custody of the United States Postal Service within New York State to each of the following persons at the last known address set forth each name:

TO:

ROSENBERG, MUSSO & WEINER, LLP
ATTORNEYS FOR JOINTLY ADMINISTERED DEBTORS
Fit Taxi Corp
Jackhel Cab Corp
Jarub Trans Corp
Lechaim Cab Corp
Merab Cab Corp
NY Canteen Taxi Corp
NY Energy Taxi Corp
NY Genesis Taxi Corp
NY Stance Taxi Corp
NY Tint Taxi Corp
Somyash Taxi Corp
Tamar Cab Corp
26 COURT STREET, SUITE 2211
BROOKLYN, NY 11242
ATTENTION BRUCE WEINER, ESQ.

Capital One Equipment Finance Corp.
c/o Troutman Sanders LLP
875 Third Avenue
New York, NY 10022-6225

Capital One TMF
c/o Skadden Arps Slate
Meagher & Flom LLP
4 Times Square
New York, NY 10036-6518

Capital One TMF
c/o Skadden Arps Slate
Meagher & Flom LLP
4 Times Square
Brooklyn, NY 11213

Capital One Taxi
Medallion Finance
275 Broadhallow Rd
Melville, NY 11747-4808

Capital One Taxi
Medallion Finance
275 Broadhollow Rd
Melville, NY 11747-4808

Cheryl Worrel
c/o Burns and Harris
233 Broadway, Ste. 900
New York, NY 10279-0999 Suite 445

Douglas Arevalo
c/o Harold Chetrick P.C.
60 East 42nd Street
New York, NY 10165-0443

Esma Elberg
c/o Robert W. Piken
Piken & Piken
630 Third Ave., 23rd Floor
New York, New York 10017-6731

Jacob Elberg
c/o Abrams, Fensterman, Fensterman, Eism
630 Third Avenue, Fifth Floor
New York, New York 10017

Jarub Trans. Corp
c/o Abrams, Fensterman, Fensterman, Eism
630 Third Avenue, Fifth Floor
New York, New York 10017

Karl DeVoc
c/o Barasch McGarry
Salzman & Penson
11 Park Place Ste 1801
New York, NY 10007-2811

Marc Augstin
c/o Krentsel & Guzman
17 Battery Place, Ste 604
New York, NY 10004-1135

Office of the United States Trustee
Eastern District of NY (Brooklyn Office)
U.S. Federal Office Building
201 Varick Street, Suite 1006
New York, NY 10014-9449

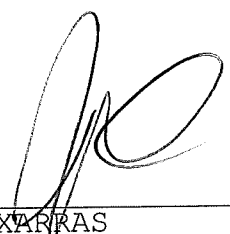
Progressive Insurance Co
c/o Feldman & Feldman, LLP
Attn: Jodi P. Feldman, Esq.
811 West Jericho Turnpike, Ste 201W
Smithtown, New York 11787-3227

Ruben Elberg
1523 President Street
Brooklyn, NY 11213-4542

Ruben Elberg
c/o Abrams, Fensterman, Fensterman, Eism
630 Third Avenue, Fifth Floor
New York, New York 10017. 10017-6705

Esma Elberg
1281 Carrol Street
Brooklyn, NY 11213-4207

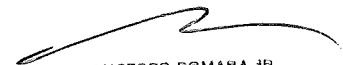
Jack Margossian
301 Fieldstone Terrace
Wyckoff, NJ 07481-3503



POPI XARRAS

Sworn to before me on

3/12/18


FRANCESCO POMARA JR.
NOTARY PUBLIC
STATE OF NEW YORK
NO. 02PO5012560
QUALIFIED IN NASSAU COUNTY
TERM EXPIRES JUNE 15, 2019

INDEX # 17-46613-NHL

US BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

IN RE:

BRACHA CAB CORP., ET. AL.

NOTICE OF MOTION

MALLILO & GROSSMAN, ESQS.

Attorneys Jean Pierre
163-09 NORTHERN BLVD
FLUSHING, NEW YORK 11358
(718) 461-6633
Fax: (718) 461-1062

Pursuant to 22 NYCRR 130-1.1A, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.

Dated: _____

3/12/18

Signature _____

FRANCESCO POMARA, JR., ESQ.
